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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,140	06/26/2001	Guillaume Calot	Q64916	1262

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EXAMINER

UBILES, MARIE C

ART UNIT PAPER NUMBER

2642

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,140

Applicant(s)

CALOT ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) 15-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/26/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings filed on 6/26/2001 are objected to because:
 - Figures 1-6 are missing proper labeling of elements.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 15-26 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

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Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

For the purpose of applying prior art, the Examiner will assume that claims 1-11 are claims 14-24, respectively.

Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Further, claims are written in a narrative form, the claims should be written in an active verb form (i.e. "*a transmitter transmitting information...*").

Claims 15 and 24 recite the limitation "it" in lines 3 and 2, respectively. Claim 15 recite the limitation "the characteristic" in line 6. Claims 17 and 18 recite the limitation

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"set point C(t)", in line 1. There is insufficient antecedent basis for these limitations in the claims.

Claim 14 is rejected because it recites both an apparatus and the method steps of using the apparatus, this renders the claim language indefinite, it is not clear whether a method or an apparatus is being claimed. (See *Ex parte Lyell*, 17 USPQ2d 1548).

Claims 15-26 are rejected because they depend on cancelled claims 1, 2, 3, 6 and 11.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 14 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Honsakalo et al. (US 5,995,496).

As for claim 14, Honsakalo et al. discloses a telecommunication method, wherein a transmitter transmits information to a receiver with a power that varies according to a

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set point supplied by the receiver (See Col. 3, lines 27-30), this set point is established from a comparison between characteristic of the received signal and a reference characteristic (See Col. 3, lines 50-53), the purpose of the set point is to maintain the power of the transmitter at such a level that the characteristic of the received signal is constantly equal or similar to the reference characteristic (See Col. 4, lines 31-34), since a delay occurs in the transmission of signals between the transmitter and the receiver (as read on *"if within a given time no feedback information is received"*) (See Col. 5, lines 11-12), the set point is generated in the receiver whenever information is received (or as read on a *"CONTINUOUS" state*) (See Col. 5, lines 4-9), from, on the one hand, said comparison between the characteristic of the received signal and the reference characteristic (See Col. 3, lines 50-53, as applied above) and, on the other hand, from a signal representing the transmission power of the received signal wherein the set point is generated from the set points previously generated and transmitted to the transmitter but which the latter could not registered owing to the transmission delays (See Col. 5, lines 11-15 and 29-34).

As for claim 19, Honkasalo et al. disclose the method as claimed, wherein the set point transmitted by the receiver is transmitted simultaneously with information or signalling data (See Col. 3, lines 46-50).

As for claim 20, Honkasalo et al. disclose the method as claimed, wherein the data transmitted from the receiver to the transmitter is in the form of cells or packets of digital data (See Col. 3, lines 46-50), and wherein each set point is transmitted into the header of the cell or packet (*this feature reads into the use of GPRS power control –See*

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Col. 4, lines 36-41, *it is well-known that power control information is sent into the packet header when using GPRS).*

As for claim 21, Honkasalo et al. disclose the method as claimed, wherein the information transmitted from the transmitter to the receiver being digital information transmitted by cell or packets (*as implied from Honkasalo's et al. disclosure of the use of a GPRS protocol*).

As for claim 22, Honkasalo et al. disclose the method as claimed, wherein the traffic flow of information from the transmitter to the receiver or from the receiver to the transmitter is of the sporadic type (*may be read on the use of GPRS, it is well known that GPRS protocol deals with 'bursty' type data applications*).

As for claim 23, Honkasalo et al. disclose the method as claimed, wherein the transmitter is also intended to receive information from the receiver and since the receiver is intended to transmit information to the transmitter, the transmission power is controlled from a set point supplied by the transmitter (*this feature may be read on the power control feedback nature of the method disclosed by Honkasalo et al.*).

Claim 24 is rejected for the same reasons as claim 14.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 15-18 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honkasalo et al (US 5,995,496).

As for claim 15, while Honksalo et al. does not directly disclose the method as claimed, "wherein, since the characteristic is a smoothed signal to noise ratio, in the receiver, the instantaneous signal to noise ratio of the received signal is determined, it is divided by a signal representing the transmission power of the received signal, this ratio is smoothed and the smoothed ratio is multiplied by the signal representing the transmission power of the received signal, the result of this multiplication being the characteristic which is compared to the reference.", this function may be read on the method performed by Hankasalo's et al, system to determine a "target level" needed to control power transmission, both methods seem to provide –as a final product- a constant that is used to determine the power level (See Col. 6, lines 18-39).

The limitations of claims 16-18 and 25 may be read on the methods for calculating the "transmission power value $S(t)$ ", as taught by Honkasalo et al. in Col. 8, line 44 through Col. 9, line 46.

As for claim 26, it is well-known that GSM systems may be connected to several other telecommunication systems and networks such as other Public Land Mobile Networks (PLMN) (e.g., D-AMPS, PDC, etc.), the Public Switched Telephone Network (PSTN), the Integrated Services Digital Network (ISDN), the Circuit Switched Public Data Network (CSPDN) 46, the Packet Switched Public Data Network (PSPDN), the Digital European Cordless Telecommunications system (DECT), *and/or the Global and Regional Satellite Communication System (GSM-S)*.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruckert et al. (US 5,305,468) teaches a power control method in which a received signal is measured to predict a future power level of the received signal.

Komatsu (US 5,852,782) teaches a transmission power control that is able to keep the signal quality approximately constant.

Honkasalo et al. (WO 97/49197) teaches a control of transmission power in a wireless packet data transfer.

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Apostolides et al. (WO 98/45962) teaches a power control for a mobile terminal in a satellite telecommunication network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
November 5, 2004.


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